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EXAMINER

BROMELL, ALEXANDRIA Y

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/568,968	Applicant(s) OKUZAWA, NOZOMU	
	Examiner ALEXANDRIA BROMELL	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1, 11 - 15, 21 - 25, 31 - 32, 34 - 39, and 41 - 43 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1, 11 - 15, 21 - 25, 31 - 32, 34 - 38, and 41 - 43 is/are rejected.
- 8) ☒ Claim(s) 39 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date <u>11/5/11</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1, 11 - 15, 21 - 25, 31 - 32, 34 - 39, and 41 - 43 are currently pending.

Claims 1, 11, 21, and 31 - 32 are currently amended. Claim 40 is canceled.

Response to Arguments

Applicant's arguments have been considered but are not persuasive.

Applicant argues that "Refuah fails to disclose the search means, retrieval means, and transmission means of claim 1," (remarks, page 14).

Examiner agrees. Examiner has relied on Toyryla to teach search means for receiving, from a first user, an introduction request including search key information that is a subset of taste information of the first user, the search key information being selected by the first user concurrently with generating the introduction request (see paragraph [0073], where a user may request an introduction to a group, including search key information about the person sending the request, or URL information).

Examiner has relied on Julliard to retrieval means for retrieving at least taste information or group information associated with the second user for introduction to the first user, the retrieved taste information or group information not being associated with a taste information of the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0006], where recommender systems are present within communities, defined by their common interests and

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practices to effectively share knowledge); and transmission means for transmitting the retrieved taste information or group information associated with the second user to a terminal apparatus corresponding to the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences and linking users to each other based on their personal preferences).

Applicant argues that "Julliard does not disclose the claimed search key information insofar as Julliard fails to disclose or render obvious that (1) search key information is selected by the first user; and (2) search key information is selected concurrently with generating an introduction request," (remarks, page 15).

Examiner respectfully disagrees with Applicant's argument.

Examiner notes that she is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1].

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Additionally, Examiner likes to point to "Schering Corp. v. Geneva Pharmaceuticals Inc., 64 USPQ2d 1032 (DC NJ 2002) Decided August 8, 2002."

In the above case, it is concluded that the prior art **disclosure need not be express in order to anticipate**. Even if a prior art inventor does not recognize a

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function of his or her process, the process can anticipate if that function was inherent.

To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and

that it would be so recognized by persons of ordinary skill. Inherency is not necessarily coterminous with the knowledge of those of ordinary skill in the art.

Artisans of ordinary skill may not recognize the inherent characteristics or functioning of the prior art. However, the discovery of a previously unappreciated property of a prior art composition, or of a scientific explanation for the prior art's functioning, does not render the old composition patentably new to the discoverer. Insufficient prior understanding of the inherent properties of a known composition does not defeat a finding of anticipation.

Toyryla teaches that a user may request an introduction to a group, including search key information about the person sending the request, see paragraph [0073].

Applicant argues that "Julliard further fails to disclose or render obvious that taste information includes page titles for music information pages and corresponding uniform resource locators (URLs) for the music information pages, as recited in amended claim 1," (remarks, page 15).

Examiner respectfully disagrees. Upon further review of Julliard, Examiner believes that Julliard teaches wherein the plurality of taste information includes page titles for music information pages and corresponding uniform resource locators (URLs) for the music information pages, the music information pages being selected by each of the plurality of users (see paragraph [0032], where document, or object URL may be

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embedded, wherein the relevant document information may be title and author, also see paragraph [0034] where users can provide ratings of the documents, also see paragraph [0003] where a user can retrieve sound or video files).

Allowable Subject Matter

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11 – 15, 21 – 25, and 31 – 32, 34 – 38 and 41 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refuah et al. (U.S. Patent Publication 20100050078) in view of Hannu Toyryla et al. (U.S. Patent Publication 20030083086) in view of Julliard et al. (U.S. Patent Publication 20040034631).

With respect to claims 1, 11, and 21, Refuah teaches:

reception means for receiving a plurality of taste information that represent respective tastes of a plurality of users from a plurality of terminal apparatuses of the plurality of users (see paragraphs [0012] and [0013], where user profile information is received about a particular user, and information with respect to their persona and or mood, see paragraph [0040], where the interface receives inputs that may be the result of a user entering data or search requests about interests, also see paragraph [0155], where users may have particular tastes);

storage means for storing the received plurality of taste information and group information in association with the plurality of users (see paragraph [0014], where a personality profile is stored for a user, see paragraph [0024], for storage, also see paragraph [0041] where personalities may be defined for a group of somehow related users, see paragraph [0068], for a library of virtual personalities, also see paragraph [0223], where information pertaining to user personalities is stored, along with information about a group of clients).

Refulah does not explicitly disclose search means for receiving, from a first user, an introduction request including search key information that is a subset of taste information of the first user, the search key information being selected by the first user concurrently with generating the introduction request as claimed.

However, Toyryla teaches:

search means for receiving, from a first user, an introduction request including search key information that is a subset of taste information of the first user, the search key information being selected by the first user concurrently with generating the

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introduction request (see paragraph [0073], where a user may request an introduction to a group, including search key information about the person sending the request, or URL information).

The combination of Refuah and Toyryla does not explicitly teach searching for a second user associated with taste information having a resemblance to the search key information from the plurality of taste information stored in association with the plurality of users in the storage means, retrieval means for retrieving at least taste information or group information associated with the second user for introduction to the first user, the retrieved taste information or group information not being associated with a taste information of the first user, and transmission means for transmitting the retrieved taste information or group information associated with the second user to a terminal apparatus corresponding to the first user as claimed.

However, Julliard teaches:

searching for a second user associated with taste information having a resemblance to the search key information from the plurality of taste information stored in association with the plurality of users in the storage means (see paragraphs [0005] and [0007], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0007], where taste is equivalent to user preference);

retrieval means for retrieving at least taste information or group information associated with the second user for introduction to the first user, the retrieved taste information or group information not being associated with a taste information of the first

user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0006], where recommender systems are present within communities, defined by their common interests and practices to effectively share knowledge); and

transmission means for transmitting the retrieved taste information or group information associated with the second user to a terminal apparatus corresponding to the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences and linking users to each other based on their personal preferences),

Wherein the plurality of taste information includes page titles for music information pages and corresponding uniform resource locators (URLs) for the music information pages, the music information pages being selected by each of the plurality of users (see paragraph [0032], where document, or object URL may be embedded, wherein the relevant document information may be title and author, also see paragraph [0034] where users can provide ratings of the documents, also see paragraph [0003] where a user can retrieve sound or video files).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Refuah with the teachings of Julliard in order to allow the user to review a document available in a list of documents in the shared repository to provide feedback on the document. Additionally, in Julliard, the recommendations are made while simultaneously storing the document in the shared document repository,

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thus enabling a reduced effort on the part of the user to supply and maintain a recommender system.

With respect to claims 12, 22, and 24, Refuah does not explicitly teach the transmitting step transmits at least the group information that represents groups that the plurality of users belong to and that is associated with the second user to the terminal apparatus of the first user as claimed.

However, Julliard teaches:

the transmitting step transmits at least the group information that represents groups that the plurality of users belong to and that is associated with the second user to the terminal apparatus of the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, also see paragraph [0006], where recommender systems are present within groups of users or communities, defined by their common interests and practices to effectively share knowledge).

With respect to claim 13 Refuah teaches:

the receiving the introduction request step receives a part of the plurality of taste information as the search key information (see paragraph [0021], where search key information is received from a user, also see paragraph [0036], where a search key may be entered).

Refuah does not explicitly teach the searching step searches for taste information including the search key information from the plurality of taste information of the plurality of users stored in the predetermined storage unit to identify the second user

or the transmitting step transmits at least the group information that represents groups that the plurality of users belong to and that is associated with the second user information to the terminal apparatus of the first user as claimed.

However, Julliard teaches:

the searching step searches for taste information including the search key information from the plurality of taste information of the plurality of users stored in the predetermined storage unit to identify the second user (see paragraphs [0005] and [0007], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0007], where taste is equivalent to user preference); and

the transmitting step transmits at least the group information that represents groups that the plurality of users belong to and that is associated with the second user information to the terminal apparatus of the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences).

With respect to claim 14, Refuah does not explicitly teach the transmitting step transmits at least the taste information of the second user and the group information that represents groups that the plurality of users belong to and that is associated with the second user to the terminal apparatus of the first user.

However, Julliard teaches:

the transmitting step transmits at least the taste information of the second user and the group information that represents groups that the plurality of users belong to

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and that is associated with the second user to the terminal apparatus of the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences).

With respect to claim 15, Refuah teaches:

receiving the introduction request step receives a part of the plurality of taste information as the search key information (see paragraph [0021], where search key information is received from a user, also see paragraph [0036], where a search key may be entered).

Refuah does not explicitly teach searching step searches for taste information including the search key information from the plurality of taste information of the plurality of users stored in the predetermined storage unit to identify the second user or transmitting step transmits at least the taste information of the first second user and the group information that represents groups that the plurality of users belong to and that is associated with the second user to the terminal apparatus of the first user

However, Julliard teaches:

searching step searches for taste information including the search key information from the plurality of taste information of the plurality of users stored in the predetermined storage unit to identify the second user (see paragraphs [0005] and [0007], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0007], where taste is equivalent to user preference); and

transmitting step transmits at least the taste information of the first second user and the group information that represents groups that the plurality of users belong to and that is associated with the second user to the terminal apparatus of the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences).

With respect to claims 23 and 25, Refuah teaches:

the search unit is configured to receive a part of the plurality of taste information as the search key information (see paragraph [0021], where search key information is received from a user, also see paragraph [0036], where a search key may be entered).

Refuah does not explicitly teach the search unit is configured to search for taste information including the search key information from the plurality of taste information stored in the storage unit to identify the second user or the transmission unit is configured to transmit at least the group information that represents groups that the plurality of users belong to and that is associated with the second user to the terminal apparatus of the first user.

However, Julliard teaches:

the search unit is configured to search for taste information including the search key information from the plurality of taste information stored in the storage unit to identify the second user (see paragraphs [0005] and [0007], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0007], where taste is equivalent to user preference); and

the transmission unit is configured to transmit at least the group information that represents groups that the plurality of users belong to and that is associated with the second user to the terminal apparatus of the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences).

With respect to claims 31 and 32, Refuah teaches:

receiving a plurality of taste information that represent respective tastes of a plurality of users from a plurality of terminal apparatuses of the plurality of users (see paragraphs [0012] and [0013], where user profile information is received about a particular user, and information with respect to their persona and or mood, also see paragraph [0155], where users may have particular tastes);

storing the received plurality of taste information and group information in association with the plurality of users (see paragraph [0014], where a personality profile is stored for a user, see paragraph [0024], for storage, also see paragraph [0041] where personalities may be defined for a group of somehow related users, also see paragraph [0068], for a library of virtual personalities).

Refulah does not explicitly disclose search means for receiving, from a first user, an introduction request including search key information that is a subset of taste information of the first user, the search key information being selected by the first user concurrently with generating the introduction request as claimed.

However, Toyryla teaches:

search means for receiving, from a first user, an introduction request including search key information that is a subset of taste information of the first user, the search key information being selected by the first user concurrently with generating the introduction request (see paragraph [0073], where a user may request an introduction to a group, including search key or URL information).

The combination of Refuah and Toyryla does not explicitly teach searching a second user associated with taste information having a resemblance to the search key information each other from the plurality of taste information stored in association with the plurality of users in the storing step, retrieving at least taste information or group information associated with the second user information searched in the searching for introduction to the first user, the retrieved taste information or group information not being associated with the first user, or transmitting the retrieved taste information or group information to a terminal apparatus corresponding to the first user.

However, Julliard teaches:

searching a second user associated with taste information having a resemblance to the search key information each other from the plurality of taste information stored in association with the plurality of users in the storing step (see paragraphs [0005] and [0007], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0007], where taste is equivalent to user preference);

retrieving at least taste information or group information associated with the second user information searched in the searching for introduction to the first user, the

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retrieved taste information or group information not being associated with the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences, see paragraph [0006], where recommender systems are present within communities, defined by their common interests and practices to effectively share knowledge), and

transmitting the retrieved taste information or group information to a terminal apparatus corresponding to the first user (see paragraph [0005], where items are recommended to users by analyzing user's preferences, and linking users to each other based on their personal preferences),

Wherein the plurality of taste information includes page titles for music information pages and corresponding uniform resource locators (URLs) for the music information pages, the music information pages being selected by each of the plurality of users (see paragraph [0032], where document, or object URL may be embedded, wherein the relevant document information may be title and author, also see paragraph [0034] where users can provide ratings of the documents, also see paragraph [0003] where a user can retrieve sound or video files).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Refuah with the teachings of Julliard in order to allow the user to review a document available in a list of documents in the shared repository to provide feedback on the document. Additionally, in Julliard, the recommendations are made while simultaneously storing the document in the shared document repository,

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thus enabling a reduced effort on the part of the user to supply and maintain a recommender system.

With respect to claims 34 and 35, Julliard teaches:

the retrieval means retrieves the group information associated with the second user for introduction to the first user, the group information not being associated with the first user and identifying an interest group to which the second user belongs (see paragraph [0007], where a principle element of the Knowledge Pump is the recommendation functionality that is based on community-centered collaborative filtering which filters both by content and by taste (i.e., user preference), knowledge pump handles content filtering by relying on user recommendations to classify items into pre-defined communities, social filtering, matching items to people by first matching people to each other, is accomplished using statistical algorithms and profiles of a collection of users; therefore, since people are matched to each other, it is feasible that they will be matched for introduction, as the user preferences of a second user are being considered, and the users are associated with groups or communities); and

the transmission means transmits the retrieved group information associated with the second user to the terminal apparatus corresponding to the first user (see paragraph [0031], where a list of communities may be displayed in a window along with additional information).

With respect to claims 36 and 37, Julliard teaches:

the retrieval unit is configured to retrieve the group information associated with the second user for introduction to the first user, the group information not being

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associated with the first user and identifying an interest group to which the second user belongs (see paragraph [0007], where a principle element of the Knowledge Pump is the recommendation functionality that is based on community-centered collaborative filtering which filters both by content and by taste (i.e., user preference), knowledge pump handles content filtering by relying on user recommendations to classify items into pre-defined communities, social filtering, matching items to people by first matching people to each other, is accomplished using statistical algorithms and profiles of a collection of users; therefore, since people are matched to each other, it is feasible that they will be matched for introduction, as the user preferences of a second user are being considered, and the users are associated with groups or communities); and

the transmission unit is configured to transmit the retrieved group information associated with the second user to the terminal apparatus corresponding to the first user (see paragraph [0031], where a list of communities may be displayed in a window along with additional information).

With respect to claim 38, Julliard teaches:

the transmission means transmits the group information associated with the second user, for introduction to the first user, to the terminal apparatus corresponding to the first user, the transmitted group information not being associated with the first user (see paragraph [0031], where a list of communities may be displayed in a window along with additional information) and

identifying an interest group to which the second user belongs (see paragraph [0007], where the users are associated with groups or communities).

With respect to claim 41, Toyryla teaches:

Wherein the search key information is not the same as the taste information having the resemblance to the search key information (Toyryla teaches that a user may request an introduction to a group, including search key information about the person sending the request, see paragraph [0073]).

With respect to claim 42, Toyryla teaches:

Wherein at least one URL corresponding to the subset of taste information of the first user and the search key information is not the same as at least one URL corresponding to the taste information associated with the second user (Toyryla teaches that a user may request an introduction to a group, including search key information about the person sending the request, see paragraph [0073]).

With respect to claim 43, Toyryla teaches:

Wherein a subject matter of the search key information is similar to a subject matter of the taste information having the resemblance to the search key information (Toyryla teaches that a user may request an introduction to a group, including search key information about the person sending the request or about a URL, see paragraph [0073]).

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDRIA Y. BROMELL whose telephone number is (571)270-3034. The examiner can normally be reached on M – R 9 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexandria Y Bromell/
Examiner, Art Unit 2167
November 5, 2011

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167